

REMARKS

Claims 1-31 remain pending in the application. By this paper, claims 1, 6, 7, 11, 15, 19, 20, 24 and 26 have been amended. Reconsideration and withdrawal of the various objections to the specification and rejections of the pending claims are hereby respectfully solicited in view of the foregoing amendments and these remarks.

The courteous interview granted by Examiners Milia and Pokrzywa to the applicant's undersigned attorney on September 8, 2005 is hereby acknowledged with appreciation. As mentioned in the Form PTOL-413, claims 1, 15 and 26 and each prior art reference of record cited in the claim rejections were thoroughly discussed at the interview. Further, it was agreed orally that the prior art of record does not disclose the combination of at least a portion of a background image, at least a portion of a captured digital image, and at least a portion of a foreground image to create a final lenticular composite image, as now set forth more clearly in the amended claims submitted herewith.

Also discussed during the aforementioned interview were two related cases filed by the applicant concurrently with the present case. For the convenience of the examiner, an information disclosure statement filed concurrently herewith includes a Form PTO/SB/08 identifying each of the references made of record in the two related cases.

By the foregoing amendments, the two related cases are identified in a paragraph added to the specification. The specification has also been amended to correct a typographical error.

Claims 1 and 15 have been amended to recite the creation of a final lenticular composite image, with claims 6, 7, 11, 19, 20, and 24 depending therefrom amended accordingly. Claim 26 has similarly been amended to recite the creation of a multiple lenticular composite image. As discussed in the aforementioned interview, no new matter has been introduced by the foregoing amendments. See, e.g., page 4, lines 4-6, of the application as originally filed, as well as the numerous references throughout the specification and claims to the production of a lenticular item.

While the foregoing claim amendments have attempted to follow the conclusions of the aforementioned interview, the reference in the Form PTOL-413 to the addition of the term "lenticular" in connection with the recited "surface" was deemed moot in view of the recitation of the claims as originally filed. Specifically, it is respectfully submitted that the term "surface" is already limited to a "lenticular surface" in both claims 1 and 26. If the applicant's understanding of the reference in the Form PTOL-413 is incorrect, the examiner is invited to contact the undersigned at the telephone number listed below.

As a result, claims 1-31 remain pending and at issue. Reconsideration and withdrawal of the various objections and rejections are respectfully solicited in view of the foregoing amendments and the following remarks.

Claim Rejections - 35 U.S.C. §102

Claims 15-20, 22 and 23 have been rejected under 35 U.S.C. §102(e) as anticipated by Wain et al., U.S. Patent No. 6,148,148 (Wain). The applicant respectfully traverses this rejections, and the assertions and determinations therein, for at least the following reasons.

Independent claim 15, as amended, and, by implication, claims 16-20, 22 and 23 dependent thereon, recite in pertinent part an apparatus for producing a lenticular novelty item at a point of purchase having an integration module being structured to combine at least a portion of a background image, at least a portion of a captured digital image, and at least a portion of a foreground image to create a final lenticular composite image. Wain fails to disclose an integration module that creates a final lenticular composite image for the reasons discussed in the aforementioned interview and as set forth below.

Wain discloses a photobooth picture taking system capable of combining an image with pre-stored background or foreground images. In contrast to the recitation of claim 15, none of the disclosed images are interlaced or lenticular images. Furthermore, Wain fails to disclose or suggest that the combination of the images may be an interlaced or lenticular image.

For these reasons, it is respectfully submitted that Wain fails to disclose or suggest an integration module that creates a final lenticular composite image, as required by claim 15, as amended. It is therefore respectfully submitted that Wain fails to disclose or suggest every element of independent claim 15. It follows that claim 15, and, by implication, claims 16-20, 22 and 23 dependent thereon, are not anticipated by the cited reference.

Claim Rejections - 35 U.S.C. §103

Claims 1-14, 21, 24-31 have been rejected under 35 U.S.C. §103(a) as unpatentable over Wain in view of one or more of Gottfried et al., U.S. 6,329,987 (Gottfried), Kroos U.S. 5,117,283 (“Kroos”), and Danon U.S. 6,258,194 (“Danon”). The applicant respectfully traverses these rejections, and the assertions and determinations therein, for at least the following reasons.

Independent claims 1, 15 and 26 have been amended to recite the creation of a lenticular composite image. Specifically, claims 1 and 15 now require the combination of at least a portion of a background image, at least a portion of a captured digital image, and at least a portion of a foreground image to create a final lenticular composite image. Claim 26 similarly requires the creation of a multiple lenticular composite image from a specialized background image, an intermediate digital image and a portion of a captured digital image.

As set forth above, Wain fails to disclose the creation of lenticular images. While none of Gottfried, Kroos and Danon were cited to cure this deficiency of Wain, it is further respectfully submitted that Gottfried, Kroos and Danon fail to disclose or suggest the required combination to create a final lenticular composite image (claims 1 and 15) or a multiple lenticular composite image (claim 26). Kroos, in fact, discloses a photobooth apparatus similar to that taught by Wain, without any suggestion that the images involved may be interlaced or lenticular.

While Gottfried and Danon are directed to the production of lenticular images, neither reference discloses the combination of at least a portion of a background image, at least a portion of a captured digital image, and at least a portion of a foreground image to create a final lenticular composite image. In contrast, both Gottfried and Danon teach bulk

production processes not directed to, or suitable for, the creation of a lenticular image from a combination involving a captured digital image with background and foreground images. Specifically, Gottfried discloses a method of creating a lenticular image involving manipulations to meet printing requirements or to match the geometry of the lenticules, while the production method taught by Danon is directed to the use of an adhesive substrate.

It is clear that the prior art must make a suggestion of or provide an incentive for a claimed combination of elements to establish a *prima facie* case of obviousness. See, *In re Oetiker*, 24 U.S.P.Q.2d 1443, 1446 (Fed. Cir. 1992); *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. 1985). Because each of the cited references fails to disclose or provide any motivation for combining at least a portion of a background image, at least a portion of a captured digital image, and at least a portion of a foreground image to create a final lenticular composite image, as required by claims 1 and 15 (and by extension, claim 26), as amended, it follows that none of these documents can render any of the claims at issue obvious. It follows that claims 1-14, 21, 24-31 recite patentable subject matter over the cited references.

CONCLUSION

Claims 1-31 are believed to be in condition for allowance in view of the foregoing amendments and the following remarks. Reconsideration and withdrawal of the various objections and rejections are hereby respectfully solicited.

The examiner is invited to contact the undersigned at the telephone number listed below in order to discuss any remaining issues or matters of form that will place this case in condition for allowance.

This paper is believed to be timely filed, inasmuch as a petition for a three-month extension of time and the appropriate fee are submitted herewith. No additional fee is believed due at this time. However, the Commissioner is hereby authorized to charge any fee deficiency, or to credit any overpayments, to Deposit Account No. 13-2855 of the undersigned's firm.

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Respectfully submitted,

By

G. Christopher Braidwood

Registration No.: 41,631

MARSHALL, GERSTEIN & BORUN LLP

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorney for Applicant

